

## Message Text

LIMITED OFFICIAL USE

PAGE 01 CANBER 02736 170242 Z

61

ACTION EA-14

INFO OCT-01 EUR-25 ADP-00 CIAE-00 DODE-00 PM-09 H-02

INR-10 L-03 NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-15

USIA-12 COME-00 EB-11 LAB-06 SIL-01 ACDA-19 AEC-11

GAC-01 IO-12 SAJ-01 SCI-06 MBFR-03 RSR-01 /178 W

----- 084901

R 160645 Z MAY 73

FM AMEMBASSY CANBERRA

TO SECSTATE WASHDC 937

INFO AMEMBASSY PARIS

AMEMBASSY WELLINGTON

CINCPAC

CINCPACREP CANBERRA

LIMITED OFFICIAL USE CANBERRA 2736

CINCPAC FOR POLAD

E. O. 11652: N/A

TAGS: ELAB, PFOR, FR, AS

SUBJ: PRIME MINISTER WHITLAM URGES ACTU NOT TO  
APPROVE BAN ON SERVICES TO FRENCH ENTITIES  
IN AUSTRALIA

REF: A) MELBOURNE 0456 B) CANBERRA 2652 (NOTAL)

1. BEGIN SUMMARY: AT PRESS CONFERENCE MAY 15 PRIME  
MINISTER WHITLAM SAID PROPOSED ACTU BAN ON SERVICES  
TO FRENCH ENTITIES IN AUSTRALIA WOULD HARM AUSTRALIAN  
CASE BEFORE ICJ. HE READ TEXT OF TELEGRAM HE SENT  
TO ACTU EXECUTIVE MAY 14 CONTAINING RATIONAL AND  
FORECEFUL ARGUMENTS AGAINST ACTION ( TEXT BELOW).  
FACT THAT ACTU RECOMMENDED BAN DESPITE WHITLAM'S  
RECOMMENDATION IS EVIDENCE OF ACTU DETERMINATION TO  
FOLLOW OWN COURSE ON ISSUE. FRENCH AMBASSADOR VAN  
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 CANBER 02736 170242 Z

LAETHEM RECENTLY TOLD AMBASSADOR RICE HE FELT WHITLAM  
WANTED TO AVOID ECONOMIC OR DIPLOMATIC BREAK WITH  
FRANCE, BUT CONCLUDED WHITLAM IS BASICALLY WEAK

PRIME MINISTER. END SUMMARY.

2. AT PRESS CONFERENCE MAY 15 PRIME MINISTER WHITLAM,  
IN RESPONSE TO QUESTION, STATED THAT GOA HAS UNDER-  
TAKEN MAXIMUM DIPLOMATIC ACTION TO DISSUADE FRANCE  
FROM CONTINUING WITH NUCLEAR TESTS IN PACIFIC. HE  
SAID BAN ON MAIL, POSTAL, AND TELEGRAPHIC SERVICES  
TO FRENCH ENTITIES IN AUSTRALIA WOULD HARM AUSTRALIA'S  
CASE BEFORE INTERNATIONAL COURT OF JUSTICE. WHITLAM  
READ FOL TELEGRAM WHICH HE SAID HE SENT TO ACTU  
EXECUTIVE ON MAY 14:

QTE AUSTRALIA HAS CLAIMED THAT IN THE PROCEEDINGS  
BROUGHT AGAINST FRANCE IN THE INTERNATIONAL COURT OF  
JUSTICE THAT THE CONDUCTING BY FRANCE OF ATMOSPHERIC  
TESTS IN THE PACIFIC IS CONTRARY TO INTERNATIONAL LAW.  
ESPECIALLY AS A COUNTRY THAT HAS INVOKED INTERNATIONAL  
LAW AGAINST FRANCE, AUSTRALIA MUST AT ALL TIMES IN HER  
RELATIONS WITH FRANCE ACT IN ACCORDANCE WITH INER-  
NATIONAL LAW.

QTE THIS DOES NOT MEAN THAT THERE IS NO SCOPE  
AT ALL FOR UNIONS AGAINST FRENCH NUCLEAR TESTS. BUT  
WHEN BOTH AUSTRALIA AND RANCE ARE PARTIES TO PARTICULAR  
INTERNATIONAL AGREEMENTS WE MUST AVOID PLACING FRANCE  
IN A POSITION TO BRING PROCEEDINGS BEFORE AN INTER-  
NATIONAL TRIBUNAL AGAINST AUSTRALIA ALLEGING BREACH  
OF AN OBLIGATION THAT AUSTRALIA HAS ACCEPTED IN RELATION  
TO FRANCE.

QTE WE MUST ALSO AVOID THE POSSIBILITY THAT FRANCE  
IN THE CURRENT PROCEEDINGS IN THE ICJ COULD ALLEGE  
THAT WE ARE ACTING IN CONTRAVENTION OF INTERNATIONAL  
LAW IN OTHER RESPECTS AND ARE THEREFORE NOT APPEARING  
BEFORE THE COURT WITH CLEAN HANDS. I AM ESPECIALLY  
CONCERNED ABOUT THE FOLLOWING CONVENTIONS.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 CANBER 02736 170242 Z

QTE ONE: THE VIENNA CONVENTION ON DIPLOMATIC  
RELATIONS. TWO: THE VIENNA CONVENTION ON CONSULAR  
RELATIONS. THREE- THE UNIVERSAL POSTAL CONVENTION OF  
1964.

QTE BOTH AUSTRALIA AND FRANCE ARE PARTIES TO,  
AND ARE BOUND BY, THESE CONVENTIONS. WE MUST UNDER

THE VIENNA CONVENTION AVOID DOING ANYTHING THAT WOULD  
PREVENT OR HINDER THE PROPER NORMAL FUNCTIONING OF  
THE FRENCH EMBASSY OR THE FRENCH CONSULATES IN THE  
STATES. THIS WOULD INCLUDE THE PROTECTION OF PERSONNEL  
AND PROPERTY AS WELL AS THE FACILITATION OF OFFICIAL  
COMMUNICATIONS.

QTE THE UNIVERSAL POSTAL CONVENTION IMPOSES ON  
AUSTRALIA AN OBLIGATION TO FORWARD MAILS PASSED TO IT  
BY THE FRENCH AUTHORITIES. AS I HAVE SAID,  
THESE ARE INTERNATIONAL CONVENTI  
E E E E E E E

\*\*\* Current Handling Restrictions \*\*\* n/a

\*\*\* Current Classification \*\*\* LIMITED OFFICIAL USE

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:**  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 16 MAY 1973  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** willialc  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1973CANBER02736  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** n/a  
**Errors:** n/a  
**Film Number:** n/a  
**From:** CANBERRA  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1973/newtext/t19730546/aaaajhef.tel  
**Line Count:** 125  
**Locator:** TEXT ON-LINE  
**Office:** ACTION EA  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:**  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 73 MELBOURNE 0456, 73 CANBERRA 2652 ( NOTAL)  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** willialc  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 17 AUG 2001  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <17-Aug-2001 by izenbei0>; APPROVED <04-Oct-2001 by willialc>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** <DBA CORRECTED> gwr 980217  
**Subject:** PRIME MINISTER WHITLAM URGES ACTU NOT TO APPROVE BAN ON SERVICES TO FRENCH ENTITIES IN AUSTRALIA  
**TAGS:** ELAB, PFOR, AS, FR  
**To:** CINCPAC  
CINCPACREP CANBERRA  
EA  
PARIS  
SECSTATE WASHDC  
WELLINGTON  
**Type:** TE

**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005